

1 ANDRE' BIROTT JR.  
2 United States Attorney  
3 ROBERT E. DUGDALE  
4 Assistant United States Attorney  
5 Chief, Criminal Division  
6 STEVEN R. WELK  
7 Assistant United States Attorney  
8 Chief, Asset Forfeiture Section  
9 FRANK D. KORTUM  
10 Assistant United States Attorney  
11 California Bar Number 110984  
12 Asset Forfeiture Section  
13 1400 United States Courthouse  
14 312 North Spring Street  
15 Los Angeles, California 90012  
16 Telephone: (213) 894-5710  
17 Facsimile: (213) 894-7177  
18 E-mail: Frank.Kortum@usdoj.gov

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19 Attorneys for Plaintiff  
20 United States of America

21  
22 UNITED STATES DISTRICT COURT  
23  
24 FOR THE CENTRAL DISTRICT OF CALIFORNIA  
25  
26 SOUTHERN DIVISION

27 UNITED STATES OF AMERICA, ) NO. SACV 09-01294-CJC(MLGx)  
28 Plaintiff, )  
29 v. ) **CONSENT JUDGMENT OF FORFEITURE**  
30 \$53,000.00 IN U.S. CURRENCY )  
31 FROM SAFE DEPOSIT BOX, )  
32 Defendant. )  
33  
34 STEPHEN DECESARE, )  
35 Claimant. )  
36  
37 )  
38 )  
39 )  
40 )

41 This action was filed on November 6, 2009. Notice was given  
42 and published in accordance with law. Claimant Stephen Decesare  
43 ("Decesare") filed his claim in this action on December 31, 2009.  
44 No answer was filed by the claimant. Plaintiff and claimant

1 Decesare have now agreed to settle this action and to avoid  
2 further litigation by entering into this consent judgment of  
3 forfeiture. The parties hereby request that the Court enter this  
4 Consent Judgment of Forfeiture.

5 **WHEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:**

6 1. This court has jurisdiction over the parties and the  
7 subject matter of this action.

8 2. The Complaint for Forfeiture states a claim for relief  
9 pursuant to 18 U.S.C. § 981(a)(1)(A).

10 3. Notice of this action has been given as required by  
11 law. No appearances have been made in this case by any person  
12 other than claimant. The Court deems that all other potential  
13 claimants admit the allegation of the complaint for forfeiture to  
14 be true. Claimant Decesare agrees that the defendant \$53,000.00  
15 in U.S. Currency seized from Bank of America safety deposit  
16 #10942 plus all interest earned by the United States on the  
17 entire sum since seizure in this action shall be condemned and  
18 forfeited to the United States of America. The custodian of the  
19 defendant bank funds is ordered to dispose of the funds forfeited  
20 to the United States in accordance with law.

21 4. The parties further agree that the \$53,000 seized from  
22 defendant's Bank of America safety deposit box in May 2009 by  
23 U.S. Immigration and Customs Enforcement ("ICE") may be credited  
24 towards the satisfaction of claimants restitution obligation in  
25 the action entitled United States v. Decesare, No. SACR09-00138-  
26 CJC.

27 5. Plaintiff, United States of America, agrees that it  
28 will not seek to recover civil sanctions (except to the extent

1 that the forfeiture of the defendants can be considered a civil  
2 sanction), attorney's fees or costs in connection with this  
3 action or the underlying seizure.

4       6. The Court finds that there was reasonable cause for the  
5 seizure of the defendants and institution of these proceedings.  
6 This judgment shall be construed as a certificate of reasonable  
7 cause pursuant to 28 U.S.C. § 2465.

8       7. Claimant hereby releases the United States of America,  
9 its agencies, agents, officers, employees and representatives,  
10 including, without limitation, all agents, officers, employees  
11 and representatives of Customs and Border Protection and the  
12 Department of Justice and their respective agencies, as well as  
13 all agents, officers, employees and representatives of any state  
14 or local governmental or law enforcement agency involved in the  
15 investigation or prosecution of this matter, from any and all  
16 claims, actions, or liabilities arising out of or related to this  
17 action, including, without limitation, any claim for attorneys  
18 fees, costs, and interest, which may be asserted by or on behalf  
19 of claimant.

20       8. The Court further finds that claimant did not  
21 substantially prevail in this action, and each of the parties  
22 hereto shall bear their own attorney fees and costs.

23  
24 Dated: April 19, 2012  
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28

  
THE HONORABLE CORMAC J. CARNEY  
UNITED STATES DISTRICT JUDGE